

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN SECTION OF TENNESSEE  
WESTERN DIVISION

SCOTT TURNAGE, CORTEZ D. BROWN, DEONTAE  
TATE, JEREMY S. MELTON, ESTATE OF ISSACCA  
POWELL, KEITH BURGESS, TRAVIS BOYD,  
TERRENCE DRAIN, and KIMBERLY ALLEN on  
behalf of themselves and all similarly situated persons,

PLAINTIFFS,

V.

**BILL OLDHAM**, in his individual capacity as former Sheriff of Shelby County, Tennessee; **FLOYD BONNER, JR.**, in his official capacity as Sheriff of Shelby County, Tennessee; **ROBERT MOORE**, in his individual capacity as former Jail Director of Shelby County, Tennessee; **KIRK FIELDS**, in his official capacity as Jail Director of Shelby County, Tennessee; **CHARLENE McGHEE**, in her individual capacity as former Assistant Chief of Jail Security of Shelby County, Tennessee; **REGINALD HUBBARD**, in his official capacity as Assistant Chief of Jail Security of Shelby County, Tennessee; **DEBRA HAMMONS**, in her individual capacity as former Assistant Chief of Jail Programs of Shelby County, Tennessee; **TIFFANY WARD** in her official capacity as Assistant Chief of Jail Programs of Shelby County, Tennessee; **SHELBY COUNTY, TENNESSEE**, a Tennessee municipality; **TYLER TECHNOLOGIES, INC.**, a foreign corporation; **GLOBAL TEL\*LINK CORPORATION**, a foreign corporation; **SOFTWARE AG USA, INC.**, a foreign corporation; **SIERRA-CEDAR, INC.**, a foreign corporation, **SIERRA SYSTEMS GROUP, INC.**, a foreign corporation; and **TETRUS CORP**, a foreign corporation,

DEFENDANTS.

**Case No. 2:16-cv-2907-  
SHM/tmp**

**CLASS ACTION  
COMPLAINT FOR  
VIOLATIONS OF THE  
CIVIL RIGHTS ACT OF  
1871, 42 U.S.C. § 1983,  
TENNESSEE COMMON  
LAW, DECLARATORY, AND  
INJUNCTIVE RELIEF**

**JURY TRIAL DEMANDED  
PURSUANT TO FED. R.  
CIV. PRO. 38(a) & (b)**

---

**PLAINTIFFS' UNOPPOSED MOTION TO MODIFY THE ORDER  
DESIGNATING INTERIM CLASS COUNSEL AND  
MEMORANDUM OF LAW IN SUPPORT THEREOF**

---

COME NOW the Plaintiffs, Scott Turnage, Cortez D. Brown, Deontae Tate, Jeremy S. Melton, the Estate of Issacca Powell, Keith Burgess, Travis Boyd, Terrence Drain, and Kimberly Allen (hereinafter collectively referred to as "Plaintiffs"), by and through their undersigned counsel of record, and pursuant to Rule 23(g)(3) of the Federal Rules of Civil Procedure, submit their "Motion to Modify the Order Designating Interim Class Counsel" referring to this Court's June 28, 2018 Order which appointment Frank L. Watson, III and William F. Burns, partners of the law firm of WATSON BURNS, PLLC ("Watson Burns") and Michael G. McLaren, shareholder of the law firm of BLACK McLAREN JONES RYLAND & GRIFFEE PC ("Black McLaren") as Interim Class Counsel (Dkt. No. 101) and would state as follows:

**I. BACKGROUND**

1. Attorney Brice M. Timmons (hereinafter "Mr. Timmons") has served as Black McLaren's co-lead counsel in this action for greater than two (2) years.

2. Mr. Timmons has been designated co-class counsel in one other civil rights action before this Court, *Busby v. Bonner*, Docket No. 2:20-cv-2359-SHL, representing a class of all prisoners in the Shelby County Jail suffering from medical conditions that make them vulnerable to COVID-19.

3. Mr. Timmons focuses his practice on litigation representing plaintiffs in civil rights actions in the United States Court for the Western District of Tennessee with a significant

focus on litigation under 42 U.S.C. § 1983. Mr. Timmons has substantial experience in litigating civil rights matters.

4. Mr. Timmons' experience in litigating complex actions in federal court, including issues concerning constitutional and disability-related questions, spans a decade. Mr. Timmons will vigorously represent the interest of the Class and Subclass members and is aware of no conflict of interest of interest between himself and the Class and Subclass members.

5. Mr. Timmons has been licensed to practice law since 2010 and has served as a shareholder at Black McLaren since 2018.

6. As of November 1, 2020, Mr. Timmons has accepted employment with the law firm of DONATI LAW, PLLC and will no longer be employed with BLACK McLAREN.

## **II. LAW AND ARGUMENT**

“When one applicant seeks appointment as class counsel, as is the case here, the court may appoint the applicant only if the applicant is adequate under Rule 23(g)(1) and (4).” *Ross v. Jack Rabbit Servs., LLC*, No. 3:14-CV-00044-TBR, 2014 U.S. Dist. LEXIS 72950, at \*14 (W.D. Ky. May 29, 2014) (internal citations omitted).

Mr. Timmons has been the co-lead counsel for Black McLaren for the entirety of this litigation. Mr. Timmons is qualified, knowledgeable, and experienced in conducting federal class action litigation, complex litigation, and civil rights matters relevant to the claims asserted in this action. Mr. Timmons has adequate resources to continue litigating this action to its resolution. Mr. Timmons has the time and resources to litigate this case vigorously.

Finally, all counsel have consented to this motion, and the interim class counsel have reached an agreement regarding the management of the suit going forward.

**WHEREFORE, PREMISES CONSIDERED**, Plaintiffs, Scott Turnage, Cortez D. Brown, Deontae Tate, Jeremy S. Melton, the Estate of Issacca Powell, Keith Burgess, Travis Boyd, Terrence Drain, and Kimberly Allen, by and through their undersigned counsel of record, and, pursuant to Rule 23(g)(3) of the Federal Rules of Civil Procedure, move this Honorable Court to amend its previous order appointing Interim Class Counsel to additionally appoint Brice M. Timmons, as Interim Class Counsel.

Respectfully submitted,

/s/ Brice M. Timmons

Michael G. McLaren (#5100)  
Brice M. Timmons (#29582)  
William E. Cochran, Jr. (#21428)  
BLACK McLAREN JONES RYLAND & GRIFFEE PC  
530 Oak Court Drive, Suite 360  
Memphis, TN 38117  
(901) 762-0535 (Office)  
(901) 762-0539 (Facsimile)  
mmclaren@blackmclaw.com  
btimmons@blackmclaw.com  
wcochran@blackmclaw.com

**CERTIFICATE OF CONSULTATION**

The undersigned hereby certifies that pursuant to Local Rule 7.2, all counsel have been consulted and consented to this motion. Plaintiffs' motion is unopposed.

/s/Brice M. Timmons

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing has been filed via the Court's ECF system this 29th day of October, 2020, for service on all persons registered in connection with this case, including:

Robert E. Craddock, Esq.  
Odell Horton, Jr., Esq.  
Meghan Cox, Esq.  
WYATT, TARRANT & COMBS, LLP  
1715 Aaron Brenner Drive, Suite 800  
Memphis, Tennessee 38120  
(901) 537-1000  
[rcraddock@wyattfirm.com](mailto:rcraddock@wyattfirm.com)  
[ohorton@wyattfirm.com](mailto:ohorton@wyattfirm.com)  
[mcox@wyattfirm.com](mailto:mcox@wyattfirm.com)  
*Counsel for Defendants Bill Oldham,  
Robert Moore, Charlene McGhee,  
Debra Hammons, and Shelby County, Tennessee*

Emmett Lee Whitwell, Esq.  
SHELBY COUNTY ATTORNEY'S OFFICE  
160 N. Main Street, Ste 950  
Memphis, Tennessee 38103  
(901) 222-2100  
[Lee.whitwell@shelbycountyttn.gov](mailto:Lee.whitwell@shelbycountyttn.gov)  
*Counsel for Defendants Bill Oldham,  
Robert Moore, Charlene McGhee,  
Debra Hammons, and Shelby County, Tennessee*

Bradley E. Trammell, Esq.  
BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.  
165 Madison Avenue, Suite 2000  
Memphis, Tennessee 38103  
(901) 577-2121  
[btrammell@bakerdonelson.com](mailto:btrammell@bakerdonelson.com)  
*Counsel for Tyler Technologies, Inc.*

Beth Bivans Petronio, Esq.  
K & L GATES, LLP  
1717 Main Street, Suite 2800  
Dallas, Texas 75201  
(214) 939-5815  
[Beth.petronio@klgates.com](mailto:Beth.petronio@klgates.com)  
*Counsel for Tyler Technologies, Inc.*

Russell B. Bundren, Esq.  
James L. Murphy, Esq.  
BRADLEY ARANT OULT CUMMINGS, LLP  
1600 Division Street, Suite 700  
Nashville, Tennessee 37210  
[bbundren@babco.com](mailto:bbundren@babco.com)  
[jmurphy@bradley.com](mailto:jmurphy@bradley.com)  
*Counsel for Defendant Global Tel\*Link  
Corporation*

Douglas F. Halijan, Esq.  
William D. Irvine, Esq.  
BURCH PORTER & JOHNSON, PLLC  
130 N. Court Avenue  
Memphis, Tennessee 38103  
(901)-524-5000  
[dhalijan@bpjlaw.com](mailto:dhalijan@bpjlaw.com)  
[wirvine@bpjlaw.com](mailto:wirvine@bpjlaw.com)  
*Counsel for Defendant, Software AG USA, Inc.*

Kevin D. Bernstein, Esq.  
Albert G. McLean, Esq.  
SPICER RUDSTROM, PLLC  
119 s. Main Street, Suite 700  
Memphis, Tennessee 38103  
[kbernstein@spicerfirm.com](mailto:kbernstein@spicerfirm.com)  
[amclean@spicerfirm.com](mailto:amclean@spicerfirm.com)  
*Counsel for Defendant Sierra-Cedar, Inc.*

Robert A. McLean, Esq.  
Garrett M. Estep, Esq.  
FARRIS BOBANGO BRANAN, PLC  
999 S. Shad Grove Road, Suite 500  
Memphis, Tennessee 38120  
(901) 259-7100  
[rmclean@farris-law.com](mailto:rmclean@farris-law.com)  
[gestep@farris-law.com](mailto:gestep@farris-law.com)  
*Counsel for Defendant Tetrus Corp.*

Heather Gwinn Pabon, Esq.  
GORDON REES SCULLY MANSUKHANI  
222 Second Avenue South, Suite 1700  
Nashville, Tennessee 37210  
(615-772-9010  
*Counsel for Defendant Sierra Systems Group, Inc.*

/s/Brice M. Timmons